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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

BELLAGIO, LLC, a Nevada limited  
liability company,  
  
Plaintiff,  
vs.  
JAMES BUNCH, an individual,  
  
Defendant.

No. CV 08-mc-00004-PHX-SMM

**ORDER**

Currently pending before the Court is Plaintiff's Motion to Vacate Status Hearing (Doc. 5) set for May 12, 2008 at 9:00 a.m. Plaintiff advised the Court that "Plaintiff has domesticated their [sic] judgment in the Maricopa County Superior Court and is proceeding forward in that particular court, and has no current plans for further proceedings in the Arizona District Court at this time." *Id.* Having considered Plaintiff's submission, and particularly Plaintiff's intent to proceed in Superior Court, the Court finds it most appropriate to treat the pending motion as a Motion for Voluntary Dismissal Without Prejudice, as this Court does not keep an "inactive calendar". Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Complaint (Doc. 1) is **DISMISSED without prejudice.**

**IT IS FURTHER ORDERED** that Plaintiff's Motion to Vacate Status Hearing (Doc. 5) is **DENIED as MOOT.**

**IT IS FURTHER ORDERED** that the Clerk of the Court shall terminate this case.

DATED this 24<sup>th</sup> day of April, 2008.

  
Stephen M. McNamee  
United States District Judge